



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

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**DATE:** July 8, 2009  
**TO:** Neighborhood Planning Committee  
**FROM:** Luis Pereira, City Planner (266-6591)  
**SUBJECT:** Next Meeting

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The next meeting of the Neighborhood Planning Committee is:

**WEDNESDAY, July 15, 2009**  
**3:30 – 5:00 p.m.**  
**11<sup>th</sup> FLOOR CONFERENCE ROOM**  
**CITY HALL ANNEX**

We have the following items on the agenda:

1. Review staff responses to public hearing comments, Dynamic Display Ordinance (*Emily Goodman, 266-6551, and Allan Torstenson,, 266-6579*).
2. Review staff responses to public hearing comments, Residential Design Standards zoning amendments\* (*Luis Pereira, 266-6591, and Allan Torstenson, 266-6579*). ~~\*Note that materials will be sent separately.~~

Please let me know if you have any questions. Thanks.



CITY OF SAINT PAUL  
*Christopher B. Coleman, Mayor*

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6565  
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Date: July 7, 2009  
To: Neighborhood Planning Committee  
From: Emily Goodman and Allan Torstenson  
Subject: Public hearing testimony on the Signs with Dynamic Display Ordinance

### **Background**

The Planning Commission held a public hearing on the Signs with Dynamic Display Ordinance on April 24, 2009. Five people spoke offering their testimony on the ordinance. In addition, two letters were received. This memo summarizes the issues raised and presents staff comments/recommendations for the Committee to consider as it makes its recommendation on the Signs with Dynamic Display Ordinance to the full Planning Commission.

An April 2009 peer-reviewed report titled "The Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs," prepared under the auspices of the Highway Subcommittee on Traffic Operations of the American Association of State Highway and Transportation Officials (AASHTO), under the National Cooperative Highway Research Program, is referenced frequently in this report. It can be found at <http://www.scenic.org/pdfs/NCHRP%20Digital%20Billboard%20Report.pdf>.

### **Overview of public hearing testimony**

The testimony focused on a over dozen issue areas: definition, distance between signs with dynamic display and billboards with dynamic display, distance from residential district, location in B2 districts, location in TN districts, location in historic districts, appropriateness of restricting institutions in residential areas, the number of signs with dynamic display allowed in a zoning lot, window signs, the percentage of total allowable sign area permitted to be dynamic, at what distance illumination should be measured from, what the procedure should be in the event of a malfunction, transition, scrolling, and color. There was additional testimony relating to the background of the recommendation.

#### **1. Definition.**

Testimony. Bill Amberg (Minnesota Sign Association) suggested that the proposed definition of signs with dynamic display be changed to: "A sign capable of displaying words, symbols, figure or images that can be electronically or mechanically changed by remote or automatic means."

Staff Comment. The proposed definition was based on the existing definition of *Billboards with Dynamic Display*. The simpler, user-friendly definition suggested by Mr. Amberg can be used for all signs with dynamic display, including billboards, while retaining certain aspects of the original definition, including the exceptions for signs that provide time and temperature information. Having a single, concise definition for all signs with dynamic display helps to clarify and simplify the zoning code.

Staff Recommendation. Revise the definition for signs with dynamic display as follows and remove now-redundant definition and regulations for billboards with dynamic display:

**Sec. 64.121.S.**

*Sign with dynamic display.* Any sign capable of displaying words, symbols, figures or images that can be electronically or mechanically moved or changed by remote or automatic means. A sign on which the message moves or changes, or appears to do so, through any method other than physically removing and replacing the sign or its components, whether such movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays, except for time and temperature displays that occupy less than twenty (20) percent of the sign face. Signs providing only time and/or temperature public service information (i.e., time, temperature, gas price, transit information) are not considered to be signs with dynamic display for regulatory purposes.

**Sec. 64.104. B.**

*Billboard with dynamic display.* A billboard on which the sign message moves or changes, or appears to do so, through any method other than physically removing and replacing the sign or its components, whether such movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the images without having to replace the sign face or its components physically or mechanically. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays, except for time and temperature displays that occupy less than twenty (20) percent of the billboard face.

**Sec. 64.302. Nonconforming advertising signs; conversion to billboard with dynamic display.**

- (c) In addition to the other regulations in this chapter, a billboard with a dynamic display shall conform to the following operational standards:
- (1) All alpha-numeric copy must be at least fifteen (15) inches high.
  - (2) The images and messages displayed must be static, and the transition from one static display to another must be direct and immediate without any special effects. (3) Each image and message displayed must be complete in itself, and may not continue on the subsequent one.
  - (4) Each image and message must remain constant for at least twelve (12) seconds before changing to the next one.
  - (5) ~~No sign may be brighter than necessary for clear and adequate visibility.~~
  - (6) ~~No sign may be of such intensity or brilliances as to impair the vision of a driver with average eyesight or to otherwise interfere with drivers' operation of their vehicles.~~
  - (7) ~~No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal, or the safety of the public, or located where it would do so, as determined by the city traffic engineer.~~
  - (8) ~~A billboard converted for dynamic display, on which more than twenty (20) percent of the sign face is changeable, must have a mechanism that automatically adjusts the sign's brightness in response to ambient conditions. It must also be equipped with a means to turn off the display or lighting immediately if it malfunctions, and the sign owner or operator must turn off the sign or lighting immediately upon notification by the city that sign malfunctions are causing it to be out of compliance with the operational standards in this section.~~
  - (9) ~~A billboard with a dynamic display should not appear to be brighter than billboards with external lighting. The billboard's owner or operator must adjust the sign to meet this brightness standard in accordance with the city's instructions. The adjustment must be made immediately upon receiving a notice of non-compliance from the city; however, the sign owner or operator may appeal the city's notice of non-compliance to the board of zoning appeals.~~

## **2. Distance between signs with dynamic display and billboards with dynamic display.**

Testimony. David Baker (Business Review Council), Adam Skare (Daktronics, Inc.), and Bill Amberg (Minnesota Sign Association) testified that they do not believe that signs with dynamic display intended to be read from highways should have to be six hundred sixty (660) feet from billboards with dynamic display. Conversely, the Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) supported the proposed restriction, and called for the sign code to be symmetrical. That is, if no sign with dynamic display can be less than 660 feet from a billboard with dynamic display, then no billboard with dynamic display should be allowed within 660 feet of sign with dynamic display. (*Relates to Sec. 64.405(a)*).

Staff Comment. The code should be internally consistent. *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* (AASHTO, 2009) states, "Governments or roadway operating authorities should establish minimum longitudinal spacing requirements for [dynamic display signs] such that an approaching driver is not faced with two or more DBB displays within his field of view at the same time. This minimizes the risk of distraction and ensures that a flashing effect (that may be caused by two [or more] different signs cycling through messages on different programs) will not occur."

Staff Recommendation. Add the following to Sec. 64.302 Nonconforming advertising signs; conversion to billboard with dynamic display:

- (b) Except in a B4 or B5 zoning district, a legally nonconforming, illuminated billboard may be converted to a billboard with a dynamic display if the following conditions are met:
  - (2) The billboard is located at least one (1) mile measured linearly along the freeway from any other billboard with dynamic display and at least six hundred sixty (660) feet as measured along the freeway from any sign with dynamic display designed to be read by drivers heading in the same direction on the highway.

## **3. Distance of a business sign with dynamic display from a residential district.**

Testimony. Bill Amberg (Minnesota Sign Association) submitted a proposal that the distance from a residential district should only be upheld if the business sign is visible from a residential district. (*Relates to Sec. 64.405(a)*).

Staff Comment. The distance requirement is so minimal that the additional exception, which would be subjective and more time consuming to enforce, is unnecessary.

Staff Recommendation. No change.

## **4. Number of signs with dynamic display on a zoning lot.**

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that no more than one sign with dynamic display should be allowed on a zoning lot.

Staff Comment. Because zoning lots in the City of Saint Paul vary so dramatically in their size, it would not be reasonable to permit only one sign with dynamic display per zoning lot. For example, an entire shopping center may be on only one zoning lot.

Staff Recommendation. No change.

## **5. Window signs.**

Testimony. Jeanne Weigum (Scenic Saint Paul) testified that she would like the ordinance or a future ordinance to address the issue of dynamic display signs in windows that are oriented toward the street.

Staff Comment. The zoning code does not regulate signs inside of buildings. Sign permits are not required for the signs businesses use inside their stores. The code encourages store front commercial buildings to have windows facing the street and even requires it in certain areas. We have pushed businesses to make these windows people can see through, so this adds to the life of the street, but have not then also tried to further regulate what businesses can do inside the windows.

Staff Recommendation. No change.

## **6. Historic districts.**

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that no sign with dynamic display be permitted in a historic district without the approval of the Heritage Preservation Commission.

Staff Comment. This is already the case.

Staff Recommendation. No change.

## **7. Sign area.**

Testimony. Greg Rendall and Bill Amberg (Minnesota Sign Association) said that signs with dynamic display should not be limited to 20% of total allowable sign area because other illuminated signs are not so limited. Adam Skare (Daktronics, Inc.) suggested that the business owner should determine how much dynamic display to use, pointing out that by limiting the size of a dynamic display, the sign could be more difficult to read. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that the size of the dynamic display being based on a percentage of an individual sign face, not the total allowable signage on the lot. (*Relates to Sec. 64.405(b)*).

Staff Comment. Signs with dynamic display can cause driver distraction and have greater impact than other illuminated signs. It is therefore reasonable that they should be limited to a portion of total allowable sign area. It is also reasonable that all of an individual sign be dynamic; a regulation that would encourage someone to install a larger sign just so the dynamic portion of it can be larger seems counterproductive.

Staff Recommendation. No change.

## **8. Illumination and brightness: measurement.**

Testimony. Adam Skare (Daktronics, Inc.) recommended different distances from the sign face be used for measuring the brightness of different sized signs: 0-100 square foot signs to be measured 100 feet from source, 101-350 square foot sign to be measured 150 feet from source, 351-650 square foot sign to be measured 200 feet from source, 651-1000 square foot sign to be measured 250 feet from source, and over 1000 square foot sign to be measured 350 feet from source. Bill Amberg (Minnesota Sign Association) recommended that the brightness of all signs be measured one hundred (100) feet from the sign face. (*Relates to 64.405(c)*).

Staff Comment. A graduated standard is complicated and unnecessary. According to *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* (AASHTO, 2009), "Because LED billboards are composed of arrays of LEDs, their surfaces are not uniform. If viewed from very close distances, they will appear as an array of bright points against a dark background. Thus, a viewing distance of approximately 50 ft is suggested, . . . , sufficient to ensure uniformity of the display. Since light from the ambient environment adds to the recorded luminance, measurements should not be taken at distances greater than that suggested above." Thus, proposed Sec. 64.405(c) requires that the luminance be measured 50 feet from the sign face.

Staff Recommendation. No change.

## **9. Malfunction.**

Testimony. Bill Amberg (Minnesota Sign Association) recommended that, in the event of a malfunction, sign owner or operators must turn off the display within forty eight (48) hours of notification, as opposed to immediately. (*Relates to Sec. 64.405 (d)*).

Staff Comment. The on-off switches should be immediately accessible to the sign owner or operator. This could be on-premise, off-premise, or (ideally) both. There is no good reason not to require the display to be turned off immediately in the event of a malfunction. It could even be automatic.

Staff Recommendation. No change.

## **10. Duration, transition, and other characteristics: transition timing.**

Testimony. Adam Skare (Daktronics, Inc.) said that time allowances should be more generous for more commercial areas. Greg Rendall and Bill Amberg (Minnesota Sign Association) testified that signs with dynamic display need multiple frames to effectively communicate, so any regulations placing restrictions on message durations are impractical. They maintain that if these transition regulations must be in place they should be different for different zoning districts, and provided proposed amendments for this (proposal attached). (*Relates to 64.405(e)(2)*).

Staff Comment. The proposed ordinance as written does have different timing standards for different zoning districts, as described elsewhere in this document. The sequencing that Mr. Rendall and Mr. Amberg say is inhibited by the timing restrictions is one of the key things the ordinance is intended to regulate. Message sequencing is among the most dangerous aspects of signs with dynamic display, due to the Zeigarnik effect. The *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* (AASHTO, 2009) states that "message sequencing should be prohibited." The timing restrictions proposed in the ordinance effectively do that. The proposals from Mr. Rendall and Mr. Amberg to allow transitions every 0, 1, or 3 seconds seems to constitute flashing, which is prohibited in 64.401(k).

Staff Recommendation. No change.

## **11. Duration, transition, and other characteristics: color.**

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that muted red text on a black background should be the only permissible color combination. Bill Amberg (Minnesota Sign Association) provided new draft language suggesting that color not be restricted at all (proposal attached). (*Relates to Sec. 64.502 (a)(4) and Sec. 64.503(a)(6)*).

Staff Comment. Other cities place restrictions on the color of text in residential districts. Some cities, such as Bloomington, Minnesota, specify that only amber text may be used in residential districts, as opposed to the recommendation that only muted red text be used. Sign industry representatives have indicated that the least expensive color options are red and amber.

Staff Recommendation. No change.

## **12. Duration, transition, and other characteristics: scrolling.**

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that scrolling be prohibited.

Staff Comment. It would be appropriate to ban scrolling in residential, TN, and OS-B2 business districts.

Staff Recommendation. Change § 63.503 and § 63.504 to ban scrolling in TN and OS-B2 districts as noted in #14 and #15 below, and change § 64.502 (a)(4) to ban scrolling in residential districts as follows:

(a) *Identification signs:*

- (4) For parks, community centers, and religious, civic, educational or philanthropic institutions, one (1) identification sign, not exceeding a total of thirty (30) square feet in area for each street frontage, and one (1) bulletin board not exceeding a total of thirty (30) square feet in area. Such bulletin board signs may be signs with dynamic display, and abide by the provisions set forth in section 64.422. In addition, they which shall not use any images except for alphanumeric text, shall not be in any color other than red or amber, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between the hours of 10:00 PM and 7:00 AM.

**13. Schools, churches, and other institutions in residential districts.**

Testimony. David Baker (Business Review Council) said that institutional signs with dynamic display in residential districts should not face additional restrictions. Greg Rendall and Bill Amberg (Minnesota Sign Association) took issue with limiting the color of text of these signs with dynamic display, the prohibition of images, and limiting transition to once every twenty minutes. (*Relates to 64.502(a)(4)*).

Staff Comment. It is appropriate to have different levels of restrictions in different zoning districts, and common practice to limit transition time in residential districts. Bloomington's ordinance has a 20 minute minimum message duration in residential areas. Other cities also place restrictions on colors. The reason for limiting display to alphanumeric text in red or amber is that it is less distracting to drivers; it presents less of a safety hazard to only permit monochromatic messages in these muted tones.

Staff Recommendation. No change.

**14. Regulations in TN Districts.**

Testimony. David Baker (Business Review Council) said that signs with dynamic display should be allowed in TN Districts. (*Relates to 64.503(a)(6)*).

Staff Comment. Signs with dynamic display are allowed in residential districts, with more stringent restrictions than in business districts. It follows that they should also be allowed in TN districts, with similar more stringent restrictions. It is more equitable to permit signs with dynamic display throughout the city, with certain zoning districts subject to more stringent restrictions than others. For example, signs with dynamic display in B3-B5 business and industrial districts could be permitted subject to the restrictions prescribed in Sec. 64.405, while signs with dynamic display in TN and OS-B2 districts could be permitted subject to additional restrictions similar to those in section 64.502(a)(4) for signs with dynamic display in residential districts. All signs with dynamic display would be subject to the restrictions in Sec. 64.405, but those in more restrictive districts could be subject to additional restrictions, as follows:

<i>B3 – B5 and Industrial Districts</i>	<i>TN, OS-B2 Business Districts</i>
Full-color images allowed	No images allowed
Text must be monochromatic	Text color can only be red or amber
Text & images can't change faster than every 12 seconds	Text can't change faster than every 20 minutes
May scroll	No scrolling allowed
No time restrictions	Must be turned off between 11 PM & 7 AM

Staff Recommendation. Revise Sec. 64.503 as follows:

**Sec. 64.503. TN1—TN3 traditional neighborhood and OS—BCB4 business districts.**

(a) Business and identification signs:

- (1) The sum of the gross surface display area in square feet of all business and identification signs on a lot shall not exceed one times the lineal feet of lot frontage, or seventy-five (75) square feet, whichever is greater.
- (2) No business or identification sign shall be located in a required yard except for one freestanding sign. Freestanding signs may project into the public right-of-way up to eighteen (18) inches.
- (6) Signs with dynamic display shall not use any images except for alphanumeric text, shall not be in any color other than red or amber, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 PM and 7:00 AM.

**15. Regulations in B2 Districts.**

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee); and Jeanne Weigum (Scenic Saint Paul) testified that signs with dynamic display should not be permitted in a B2 zoning district. Conversely, David Baker (Business Review Council) supported signs with dynamic display in the B2 zoning district. (*Relates to § 64.504(a)(5)*).

Staff Comment. Signs with dynamic display are permitted in residential districts. With the restrictions proposed in new Sec. 64.405 for signs with dynamic display, and with additional restrictions similar to those for signs with dynamic display in residential, TN, and OS-B1 business districts, they would fit the intent and purpose of the B2 district.

Staff Recommendation. Revise Sec. 64.504 as follows:

**Sec. 64.504. BCB2—B3 business and IR industrial districts.**

(a) Business and identification signs:

- (5) Signs with dynamic display shall not use any images except for alphanumeric text, shall not be in any color other than red or amber, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 PM and 7:00 AM. ~~Signs with dynamic display are prohibited from the BC and B1 districts. Signs with dynamic display are permitted in the B2, B3, and IR districts according to the restrictions prescribed in section 64.422.~~

**Other comments.**

**A. Background studies.**

Testimony. David Baker (Business Review Council) said that signs with dynamic display are not dangerous, while Joel Clemmer (Macalester Groveland Community Council Land Use Committee) says that signs with dynamic display are dangerous.

Staff Comment. In April 2009, the report titled *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* was prepared under the auspices of the Highway Subcommittee on Traffic Operations of the Association of State Highway and Transportation officials (AASHTO), under the National Cooperative Highway Research Program. This was a large meta-study synthesizing all of the available literature on the subject of signs with dynamic display. One of the observations of the meta-study is that "the research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual findings of such research indicate otherwise. Conversely, the conclusions reached in research sponsored by



government agencies, insurance companies, and auto safety organizations, especially in those studies performed in the past decade, regularly demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance.” The authors of the meta study systematically address each of the studies sponsored by the outdoor advertising industry to demonstrate how they exhibit questionable scientific practice and display bias.

#### **B. Bad for business.**

Testimony. David Baker (Business Review Council), and Greg Rendall and Bill Amberg (Minnesota Sign Association), said that signs with dynamic display are good for business, and expressed concern that the proposed new ordinance would hinder the ability of businesses to grow in tough economic times.

Staff Comment. The proposed ordinance places reasonable restrictions on signs with dynamic display, it does not prohibit them. Signs with dynamic display would be permitted in every zoning district in the city, with some districts subject to more restrictive standards than others.

#### **C. Intent and purpose.**

Staff Comment. Research into best practices indicates that it is good to include a statement of purpose to clarify the intent of the sign chapter to regulate the time, place, and manner in which signs may be exhibited. Subsection (k) of the sign chapter purpose statement should be deleted because penalties for violations of the provisions of the zoning code, including penalties for violations of the sign chapter of the zoning code, are provided in Chapter 61, Administration and Enforcement, §§ 61.901-61.904, not in Chapter 64, Signs.

Staff Recommendation. Revise Sec. 64.101 as follows:

##### **Sec. 64.101. Intent and purpose.**

The purpose of this chapter is as follows:

- (a) To regulate the time, place, and manner in which signs may be exhibited;
- ~~(k) To provide penalties for violations of the provisions of this chapter.~~

**ORDINANCE**  
**CITY OF SAINT PAUL, MINNESOTA**

Presented by \_\_\_\_\_

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An ordinance amending Legislative Code Chapter 64, Signs, by adding language that clarifies the purpose of sign regulations, defines signs with dynamic display, and creates new regulations pertaining to signs with dynamic display; and by removing redundant language regarding billboards with dynamic display and obsolete language related to electronic message signs.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

Legislative Code Chapter 64 is hereby amended as follows:

**Sec. 64.101. Intent and Purpose.**

The purpose of this chapter is as follows:

- (a) To regulate the time, place, and manner in which signs may be exhibited;
- (b) To protect the right of information transmittal;
- ~~(c)~~(a) To promote the public health, safety and general welfare of the community;
- ~~(d)~~(b) To encourage a concern for the visual environment which makes the city a more desirable place to live;
- ~~(e)~~(c) To identify and promote business and industry in the city;
- ~~(f)~~(d) To reduce hazards which may be caused by signs projecting over public rights-of-way;
- ~~(g)~~(e) To protect open space and areas characterized by unique environmental, historical and architectural resources;
- ~~(f)~~ — To protect the right of information transmittal.
- ~~(h)~~(g) Along advanced speed arties, to promote the safety, convenience and enjoyment of public travel, to protect the public investment in highway beautification, and to preserve and enhance the natural scenic beauty or the aesthetic features and roadways in scenic and adjacent areas;
- ~~(i)~~(h) To reduce the number of nonconforming signs in the ~~city~~ city, particularly billboards;
- ~~(j)~~(i) To control the quality of materials, construction, electrification and maintenances of all signs; and
- ~~(k)~~(j) To provide for the administration of this chapter; and
- ~~(k)~~ — To provide penalties for violations of the provisions of this chapter.

28 **Sec. 64.104. B.**

29 ~~*Billboard with dynamic display.* A billboard on which the sign message moves or changes, or appears to~~  
30 ~~do so, through any method other than physically removing and replacing the sign or its components,~~  
31 ~~whether such movement or change is in the display, the sign structure itself, or any other component of the~~  
32 ~~sign. This includes a display that incorporates a technology or method allowing the sign face to change the~~  
33 ~~images without having to replace the sign face or its components physically or mechanically. This also~~  
34 ~~includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that~~  
35 ~~incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other~~  
36 ~~method or technology that allows the sign face to present a series of images or displays, except for time~~  
37 ~~and temperature displays that occupy less than twenty (20) percent of the billboard face.~~

38 **Sec. 64.107. E.**

39 ~~*Electronic message sign.* A sign which allows for periodic changes in copy or symbols by electronic~~  
40 ~~means.~~

41 **Sec. 64.121. S.**

42 *Sign with dynamic display.* Any sign capable of displaying words, symbols, figures or images that can be  
43 electronically or mechanically moved or changed by remote or automatic means. Signs providing only  
44 time and/or temperature information are not considered to be signs with dynamic display for regulatory  
45 purposes.

46 **Sec. 64.302. Nonconforming advertising signs; conversion to billboard with dynamic display.**

47 (b) Except in a B4 or B5 zoning district, a legally nonconforming, illuminated billboard may be  
48 converted to a billboard with a dynamic display if the following conditions are met:

49 (2) The billboard is located at least one (1) mile measured lineally along the freeway from any  
50 other billboard with dynamic display and at least six hundred sixty (660) feet as measured along  
51 the freeway from any sign with dynamic display designed to be read by drivers heading in the  
52 same direction on the highway.

53 (c) In addition to the other regulations in this chapter, a billboard with a dynamic display shall conform  
54 to the following operational standards:

55 (1) All alpha-numeric copy must be at least fifteen (15) inches high.

56 (2) The images and messages displayed must be static, and the transition from one static display to  
57 another must be direct and immediate without any special effects. (3) Each image and message  
58 displayed must be complete in itself, and may not continue on the subsequent one. (4) Each  
59 image and message must remain constant for at least twelve (12) seconds before changing to the  
60 next one.

61 (5) ~~No sign may be brighter than necessary for clear and adequate visibility.~~

62 (6) ~~No sign may be of such intensity or brilliances as to impair the vision of a driver with average~~  
63 ~~eyesight or to otherwise interfere with drivers' operation of their vehicles.~~

(7) ~~No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal, or the safety of the public, or located where it would do so, as determined by the city traffic engineer.~~

(8) ~~A billboard converted for dynamic display, on which more than twenty (20) percent of the sign face is changeable, must have a mechanism that automatically adjusts the sign's brightness in response to ambient conditions. It must also be equipped with a means to turn off the display or lighting immediately if it malfunctions, and the sign owner or operator must turn off the sign or lighting immediately upon notification by the city that sign malfunctions are causing it to be out of compliance with the operational standards in this section.~~

(9) ~~A billboard with a dynamic display should not appear to be brighter than billboards with external lighting. The billboard's owner or operator must adjust the sign to meet this brightness standard in accordance with the city's instructions. The adjustment must be made immediately upon receiving a notice of non-compliance from the city; however, the sign owner or operator may appeal the city's notice of non-compliance to the board of zoning appeals.~~

**Sec. 64.405. Signs with dynamic display.**

Signs with dynamic display shall be subject to the standards below. Billboards with dynamic display are regulated as nonconforming uses in section 64.302. Signs with dynamic display are not permitted in residential zoning districts except as provided in Sec. 64.502(a)(4).

(a) Location and orientation. Business and identification signs with dynamic display shall be at least seventy-five (75) feet, as measured along the road, from a residential district, and shall be at least fifty (50) feet from a residential district, measured radially. Signs with dynamic display intended to be read from a freeway shall be at least six hundred sixty (660) feet as measured along the freeway from any other sign with dynamic display designed to be read by drivers heading in the same direction. Signs with dynamic display shall not interfere with traffic and road safety due to placement and orientation as determined by the city traffic engineer.

(b) Sign area. Business and identification signs shall be restricted in the measured area of their dynamic displays so that the dynamic displays may occupy no more than twenty (20) percent of the total allowable signage of the property. The remaining eighty (80) percent of the total allowable signage of the property must not have the capability to have dynamic displays even if not used.

(c) Illumination and brightness. No sign with dynamic display may exceed a maximum illumination of 0.3 foot candles above ambient light level as measured from fifty (50) feet from the sign's face. All signs with dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. No sign with dynamic display may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public, or located where it would do so as determined by the city traffic engineer. If there is a violation of the brightness standards, the adjustment must be made within one (1) business day upon notice of non-compliance from the city.

(d) Malfunction. Signs with dynamic display must be designed and equipped to freeze the sign face in one position if a malfunction occurs. Signs with dynamic display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner or operator must

105 immediately turn off the display when notified by the city that it is not complying with the standards  
106 of this ordinance.

107 (e) Image characteristics, duration, and transition. The following standards shall apply to image  
108 duration, transition, and other characteristics of signs with dynamic display. Additional district-  
109 specific restrictions are contained in Sec. 64.502 and 64.503.

110 (1) Except at professional sport facilities, signs with dynamic display that are oriented towards the  
111 public right of way shall not include moving video images.

112 (2) Business and identification signs with dynamic display may either have stable text and/or stable  
113 images, or they may have scrolling text and/or scrolling images. Signs with dynamic display  
114 which contain stable text and/or stable images may not change their text or image more than  
115 once every twelve (12) seconds. Signs with dynamic display which contain scrolling text  
116 and/or scrolling images may not scroll at a rate faster than one (1) word per second, where  
117 words contain an average of five (5) characters each.

118 (3) For stable text and/or stable images, the transition from one static display to another must be  
119 direct and immediate without any special effects except for fading and dissolving that takes less  
120 than one (1) second;

121 (4) Text on signs with dynamic display must be monochromatic. Images on signs with dynamic  
122 display may be full color.

123 (5) Signs with dynamic display shall not emit sound except for those at drive-through sales and  
124 services as allowed under section 65.513.

125 (6) Other modes of displaying messages are prohibited. Modes which cause the message to flash  
126 are prohibited.

#### 127 **Sec. 64.420. Advertising signs.**

128 (b) *Professional sports facility.* At a professional sports facility with permanent seating for more than ten  
129 thousand (10,000) spectators and located in a B4-B5 Business or IR-I2 Industrial zone, one (1) or two  
130 (2) advertising signs are permitted as an accessory use subject to the following standards:

131 (6) For signs with dynamic display -electronic message boards, the modes of display of messages  
132 shall conform to the requirements in section 64.405 64.504((a)(5)(e). Flashing modes are not  
133 permitted.

#### 134 **Sec. 64.502. RL through RM3 residential districts.**

135 (a) *Identification signs:*

136 (4) For parks, community centers, and religious, civic, educational or philanthropic institutions, one  
137 (1) identification sign, not exceeding a total of thirty (30) square feet in area for each street  
138 frontage, and one (1) bulletin board not exceeding a total of thirty (30) square feet in area. Such  
139 bulletin board signs may have electronically changeable text, but shall not fade in and out,  
140 scroll, or flash be signs with dynamic display, which shall not use any images except for  
141 alphanumeric text, shall not be in any color other than red or amber, shall not scroll or change

their displays faster than every twenty (20) minutes, and shall be turned off between 10:00 PM and 7:00 AM.

**Sec. 64.503. TN1--TN3 traditional neighborhood and OS--BCB1 business districts.**

**(a) Business and identification signs:**

(1) The sum of the gross surface display area in square feet of all business and identification signs on a lot shall not exceed one times the lineal feet of lot frontage, or seventy-five (75) square feet, whichever is greater.

(2) No business or identification sign shall be located in a required yard except for one freestanding sign. Freestanding signs may project into the public right-of-way up to eighteen (18) inches.

(6) Signs with dynamic display shall not use any images except for alphanumeric text, shall not be in any color other than red or amber, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 PM and 7:00 AM.

**Sec. 64.504. BC B2--B3 business and IR industrial districts.**

**(a) Business and identification signs:**

(5) Signs with dynamic display shall not use any images except for alphanumeric text, shall not be in any color other than red or amber, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 PM and 7:00 AM. ~~Electronic message signs shall be prohibited from the BC B2 district; provided that electronic message signs giving public information, such as time, temperature, stock averages and the like, are permitted in the B2 district. Electronic message signs are permitted in the districts under the following conditions:~~

a. ~~The signs shall be six hundred sixty (660) feet from other electronic message signs on the same side of the same street;~~

b. ~~The signs shall be at least seventy-five (75) feet, as measured along the road, of a residential district, and shall be at least fifty (50) feet from a residential district, measured radially; and~~

c. ~~The following modes of displaying the message shall be permitted:~~

1. ~~The fade-in/fade-out mode where the message appears on the sign, dissolves and another message takes its place;~~

2. ~~The travel mode where the message moves across the sign from left to right or right to left; and~~

3. ~~The travel mode where the message moves from top to bottom or bottom to top.~~

~~Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.~~

**Sec. 64.505. B4--B5 business districts.**

**(a) Business and identification signs:**

178 (4) ~~Electronic message signs are permitted and subject to the conditions specified in and B-2 and~~  
179 ~~B-3 districts, section 64.504(a)(5).~~

180 **Sec. 64.506. I1--I3 industrial districts.**

181 (a) *Business and identification signs:*

182 (5) ~~Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-~~  
183 ~~3 districts, section 64.504(a)(5).~~

184 Section 2

185 This ordinance amending Chapter 64 of the Legislative Code shall become effective thirty (30) days after  
186 its passage, approval, and publication.

187

	Yeas	Nays	Absent
Bostrom			
Carter			
Harris			
Helgen			
Lantry			
Stark			
Thune			

Requested by Department of:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Form Approved by City Attorney

By: \_\_\_\_\_

Adopted by Council: Date \_\_\_\_\_

Adoption Certified by Council Secretary

By: \_\_\_\_\_

Approved by Mayor: Date \_\_\_\_\_

By: \_\_\_\_\_

Form Approved by Mayor for Submission to Council

By: \_\_\_\_\_

## Saint Paul, MN

The following changes should be made to the proposed ordinance amending the Legislative Code Chapter 64 released March 4, 2009. Only portions of the proposed ordinance needing revision were included in this document.

*Note: Underlining and strike-throughs show the changes from the proposed ordinance as released by the Planning Department, November 21, 2008.*

### Definitions

That Legislative Code Chapter 64 and the various definitions contained therein are hereby amended by amending the term "Flashing sign" from § 64.107.F., and adding the following new paragraphs under § 64.121.A, § 64.121. F. and § 64.121. S. to read:

#### Sec. 64.103. A.

*Advanced speed arteries.* A limited access freeway or other road upon portions of which speeds of forty-five (45) miles per hour or greater are permitted.

*Advertising sign.* A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or manufactured elsewhere than on the premises upon which the sign is placed. It shall be considered as a nonaccessory sign except that an advertising sign on a professional sports facility with permanent seating for more than ten thousand (10,000) spectators shall be considered as accessory. Billboards are a form of advertising sign. Advertising signs located on bus stop shelters, courtesy benches and newsstands are regulated under other chapters and are not subject to the requirements of this chapter. Sports facility sponsorship signs are a special type of off-premise sign and are subject to different regulations from advertising signs.

*Animation.* The use of movement or some element thereof, to depict action or create a special effect or scene.

#### Sec. 64.108. F.

*Flashing sign.* A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. ~~An illuminated sign on which the illumination is not kept stationary or constant in intensity or color at all times when the sign is in use. An electronic message sign is not considered a flashing sign.~~

*Frame effect.* A visual effect on a sign with a dynamic display applied to a single frame to transition from one message to the next.



*Freestanding sign.* A sign which is mounted into the ground or supported by one (1) or more upright poles, columns, or braces placed in or on the ground and not attached to any building.

#### **Sec. 64.121. S.**

*Sign.* The use of words, numerals, figures, devices, designs or trademarks the purpose of which is to show or advertise a person, firm, profession, business, product or message.

*Sign with dynamic display.* A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. A sign on which the message moves or changes, or appears to do so, through any method other than physically removing and replacing the sign or its components, whether such movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays, except for time and temperature displays that occupy less than twenty (20) percent of the sign face.

*Sports facility sponsorship sign.* An accessory sign that is located at a ballfield, hockey rink, or golf course used by the public for athletic activities, and that identifies a sponsor in recognition of the sponsor's financial support for the sports facility and sports programs at the facility.

*State building code.* The Minnesota State Building Code, as may be amended from time to time, including all amendments thereto made from the date of enactment of the state building code.

*Streaming Video.* The use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by a sign with a dynamic display or similar device.

*Swinging sign.* A sign that moves back and forth freely, or sways in the wind.

### **Provisions Relating to Signs with Dynamic Displays**

That Legislative Code Chapter 64's General Provisions are hereby amended by creating § 64.422 to be entitled "Signs with dynamic display." That section will read as follows:

**Sec. 64.422. Signs with dynamic display except billboards.**

- (a) Signs with dynamic display shall be subject to the standards below. Billboards with dynamic display are regulated as nonconforming uses in section 64.302.

- (1) The signs shall be restricted in their placement and orientation so that:

a. Business signs with dynamic displays are at least seventy-five (75) feet, as measured along the road, from a residential district, and shall be at least fifty (50) feet from a residential district, measured radially, unless the illuminated portion of the dynamic display is not visible from a residential district;

b. Signs with dynamic displays do not interfere with traffic and road safety due to placement and orientation as determined by the city traffic engineer; and

~~c. Signs with dynamic display intended to be read from highways shall be at least six hundred sixty (660) feet as measured lineally along the freeway from any billboard with dynamic display designed to be read by drivers heading in the same direction on the highway.~~

~~(2) The signs shall be restricted in the measured area of their dynamic displays so that the dynamic displays may occupy no more than twenty (20) per cent of the total allowable signage of the property. The remainder of the sign must not have the capability to have dynamic displays even if not used.~~

- ~~(3)~~ (2) The signs shall be restricted in their illumination and brightness so that:

a. No sign with dynamic display may exceed a maximum illumination of .3 foot candles above ambient light levels as measured from one hundred (100) feet from the sign's face.

b. *No sign with dynamic display may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public, or located where it would do so as determined by the city traffic engineer;*

- c. All signs with dynamic displays having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with the requirements of this section.
- e. If there is a violation of the brightness standards, the adjustment must be made within one (1) business day upon notice of non-compliance from the city; and
- f. Signs with dynamic displays must be designed and equipped to freeze the sign face in one position if a malfunction occurs. Signs with dynamic displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner or operator must immediately turn off the display within forty eight (48) hours of notification when notified by the city that it is not complying with the standards of this ordinance.

(4) The following standards shall apply to the duration, transition, and other characteristics of signs with dynamic display. For residential districts, additional restrictions are listed in section 64.502.

- a. Except at professional sport facilities, signs with dynamic display shall not include moving video images.
- b. Signs within INSERT HEAVY COMMERCIAL AND INDUSTRIAL ZONES be permitted subject to the provisions of this Chapter and subject to the following:
  - 1. Such signs may contain animation and frame effects; and
  - 2. Such signs shall not contain flashing.
- c. Signs within INSERT LIGHT COMMERCIAL OR WELL-TRAVELED ZONES shall be permitted subject to the provisions of the Chapter and subject to the following:
  - 1. Such signs shall contain static messages for a period of at least one (1) second before transitioning to another static message; and
  - 2. Such signs may contain frame effects for the purpose of transition, so long as no effects contain the appearance of flashing.

- b. ~~Signs with dynamic display may either have stable text or images, or they may have scrolling text. Signs with dynamic display which contain stable text or images may not change their text or image more than once every [12] seconds. Signs with dynamic display which contain scrolling text may not scroll at a rate faster than [1] word per second, where words contain an average of five (5) characters each.~~
- e. ~~The images and messages displayed must be static, and the transition from one static display to another must be direct and immediate without any special effects except for fading and dissolving that takes less than one [1] second;~~
- d. ~~Stable or scrolling text on signs with dynamic display must be monochromatic. Images on signs with dynamic display may be full color.~~
- e.d. Signs with dynamic displays shall not emit sound except for drive-through sales and services as allowed under section 65.513.
- f. e. ~~Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.~~

## **Provisions Relating to Signs with Dynamic Displays in Residential Districts**

That Legislative Code §64.502 “RL through RM3 residential districts” is hereby amended to reflect the restrictions on signs with dynamic display set forth in § 64.422 “Signs with dynamic display” for park, community centers, and religious, civic or philanthropic institutions and are prohibited elsewhere in the districts.

### **Sec. 64.502. RL through RM3 residential districts.**

#### *(a) Identification signs:*

- (4) For parks, community centers, and religious, civic, educational or philanthropic institutions, one (1) identification sign, not exceeding a total of thirty (30) square feet in area for each street frontage, and one (1) bulletin board not exceeding a total of thirty (30) square feet in area. Such bulletin board signs may be signs with dynamic display and abide by the provisions set forth in section 64.422. In addition, they shall not:

- a. Flash.

b. ~~Use any images except for alphanumeric text.~~

e. ~~Be in any color other than red or amber.~~

d.b. Change their displays faster than every three (3) seconds  
~~twenty (20) minutes.~~

e.c. Remain illuminated between the hours of 10 PM and 7  
AM.

Two changes since information was handed out to Neighborhood Committee:

1. Last line from the first paragraph of 64.405 Signs with dynamic display (*Signs with dynamic display are not permitted in residential zoning districts except as provided in Sec. 64.502(a)(4).*) has been moved to the section on residential districts as new 64.502(a)(7).
2. The handout without a title is Public Hearing Testimony from Bill Amberg, attorney for Minnesota Sign Association (April 24, 2009), which is referred to in the staff report.

**CITY OF SAINT PAUL**

Christopher B. Coleman, Mayor

25 West Fourth Street  
Saint Paul, MN 55102Telephone: 651-266-6700  
Facsimile: 651-228-3220

Date: July 14, 2009  
To: Neighborhood Planning Committee  
From: Tom Beach, DSI, Wendy Lane, DSI, Luis Pereira, PED, Allan Torstenson, PED  
Subject: Review of public hearing comments on Residential Design Standards Zoning Amendments

**Background**

The Planning Commission held a public hearing on the Residential Design Standards zoning amendments, on May 22 and June 5, 2009. One person spoke on the first date, and six people spoke on the second date. Many were in support of the standards with some specific revisions, and others were in opposition to specific parts of the standards. In addition, eleven letters and emails were received, mostly in support of the standards but with some specific revisions.

This memo summarizes the issues raised and presents staff comments and recommendations for the Committee to consider as it forwards the proposed residential design zoning amendments to the full Planning Commission.

**Overview of public hearing testimony**

The testimony focused on a number of issue areas:

- Variances
- Ambiguity, subjectivity, administrative cost, and architectural innovation
- Green/sustainable design
- Building facade/front door orientation, residential and commercial buildings
- Residential uses at the street level and relationship to the street
- Screening of rooftop and mechanical equipment
- Location and provision of transit stops
- Parking and paving requirements

**1. Variances**

*Sec. 63.110. General design standards.*

The following design standards shall be used in site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable, in which case design conditions may be imposed as provided in section 61.107. For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

Testimony. The Tri-Area Block Club takes issue with the introduction language to §63.110, critiquing it for relying on terms that are very general and open to interpretation (“unique circumstances,” “impractical,” and “unreasonable”), and use of the word “should” in the text. They and others said that the standards should be changed so they are clear, objective and measurable so that nothing is open to interpretation and they aren’t interpreted differently from one case to another. Then the regular variance process can be used as appropriate.

AIA-Saint Paul states that the City should “enthusiastically review and reasonably consider” variances when implementing these design standards, and that improvements to the health of a neighborhood or property owner should be “special” considerations used when deciding when to grant variances.

Staff comment. § 61.601 required findings for variances are based on requirements in state statutes.

Staff recommendation. Remove the introduction language of §63.110 pertaining to “unique circumstances” and compliance being “impractical or unreasonable” and move the last line as follows:

*The following design standards shall be used in site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable. For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.*

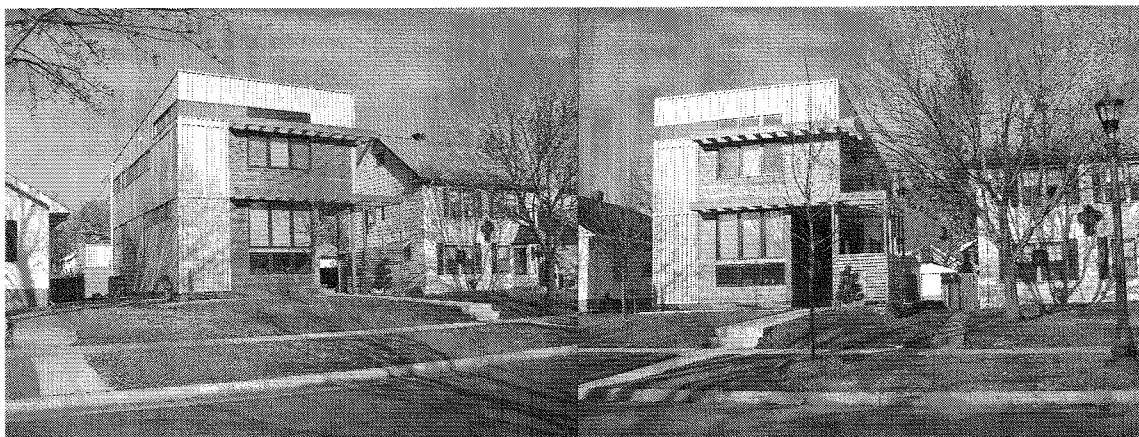
**(f) For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.**

## **2. Ambiguity, subjectivity, administrative cost, and architectural innovation**

*Sec. 63.110. General design standards.*

**(ba)** *New development shall should relate to the design of adjacent traditional buildings, where these are present, in scale and character. This can be achieved by maintaining Design features such as similar setbacks, scale, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors are possible design techniques to do this while allowing desirable architectural innovation, variation, and visual interest. The intent is not to promote replication of historic architectural styles need not be replicated.*

Testimony. Michelle Wall, owner and resident of the modern-design house at 1265 Stanford objects to provisions in §63.110(b) that appear to dictate the pitch of rooflines, paint color, materials, and general “style” of design in order for homes to “relate to the design of adjacent traditional buildings.” She says that “modern is not a rejection to tradition...” and finds that when she sees new homes built in a traditional style, “something is off -- they seem cartoonish, fake and ... an insult to the beautiful homes around them ... The solution to protecting the integrity of neighborhoods lies not in dictating the pitch of a roofline, paint or materials selection, or general ‘style’ of design; it is better to focus the discussion on issues of quality construction, [and] ... sustainability. . .”



**Figure. 1. Photos of 1265 Stanford Ave, Saint Paul**



The St. Paul Chapter of the AIA (American Institute of Architects) writes that creativity/innovation should not be thwarted [by design standards], as neighborhoods evolve constantly." Michael Roehr, an architect and Saint Paul resident, said that the standards should "steer clear of fruitless aesthetic debates."

Several testified that use of the word "traditional" problematic. Kevin Flynn of EcoDEEP said that determining what is and what is not "traditional" is arbitrary and subjective. It seems to prescribe a particular style of development; it's better to focus the standards on the quality of construction instead. He and Peter Carlsen separately ask how the City will determine what "traditional" is.

Others similarly critique the standard for lacking a definition of "adjacent" buildings, i.e. whether "adjacent" includes buildings next door, across the street or alley, or down the block. Kevin Flynn questions what is meant by new development "relating to" adjacent traditional buildings. While §63.110(b) might be read to implicitly suggest that new development should have a design similar to that of existing older buildings in an area, he said a new building might "relate to" existing older buildings by being a "counterpoint of design," i.e. purposely incorporating design elements that contrast completely with those of surrounding buildings to achieve aesthetic diversity (or doing so for other reasons).

Kevin Flynn favors using the word "should" rather than "shall" in §63.110(b) because "shall" would lead to "prescriptive requirements that may at times do more harm than good as it can stifle any form of creativity and artful, thoughtful design response." Linda Jungwirth of the Tri-Area Block Club expressed concern about use of the word "should," and about ambiguous and subjective language. She said the standards should be revised so that nothing is left open to interpretation, so that they can't be interpreted differently from one case to another.

Michael Roehr said that § 63.110(b) is so ambiguous and subjective it is "worse than useless." It is an "I know it when I see it" standard that will result in unpredictable, arbitrary, "because I say so" enforcement. AIA-Saint Paul expressed concern about how such an ambiguous and subjective standard would be interpreted and enforced, which could be a "cumbersome, costly, time-consuming, and adversarial process." They also expressed concern about its impact on the architectural innovation needed for more sustainable and "green" design.

Staff comment. The standards should be clear, concise, reasonable, objective, easy to understand, and efficient to administer.

Staff recommendation. Delete § 63.110(b).

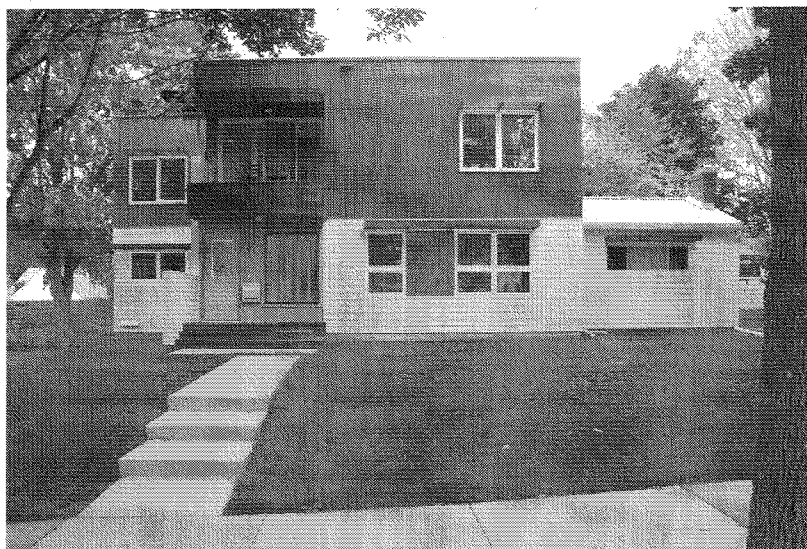


Figure 2. An award-winning Highland Park home designed by Kevin Flynn of EcoDEEP

### 3. Green/sustainable design

Testimony. AIA-Saint Paul says that the design standards should not ignore the importance of sustainability, and that they should provide for use of alternative energy sources and sustainable materials. Peter Carlsen says that the section on screening of rooftop equipment would appear to prohibit alternative energy sources like solar arrays or wind mills.

Renee Lepreau takes issue with §63.110(b) from a green building perspective, as it appears to require new development to use similar building materials as adjacent traditional buildings. She argues that this poses problems for the green builder who may choose more sustainable materials. Kevin Flynn agrees, and adds that many traditional-style buildings are not good environmental performers or energy efficient. He worries that by following the standards – i.e., by relating to the features of traditional-style buildings, it is possible that homebuilders will “lose a great many opportunities” to be responsible environmental stewards in making homes and buildings more energy efficient.

Renee Lepreau argues that language should be added to the design standards that would make it easier to get a variance if a proposed home reduces the carbon footprint of the built environment or has an environmentally-friendly design.

Staff comment. Section 60.103, Intent and purpose, of the Zoning Code includes the following:

*(k) To promote the conservation of energy and the utilization of renewable energy resources.*

Policy 3.19 of the Land Use Chapter of the Comprehensive Plan calls for a study on solar energy to promote its use in systems across all types of land use:

**3.19. Promote access to sunlight for solar energy systems in new or rehabilitated residential, commercial, and industrial developments to the extent possible. Prepare a study on tools, techniques, and regulations to facilitate increased usage of solar energy systems, either as standalone systems or as supplements to conventional energy sources, including, but not limited to:**

- a. Orientation of buildings, lots, and streets to capture the maximum amount of sunlight;*
- b. Building and site design, and the permissible levels of shading by structures and vegetation; and*
- c. Determination of minimum degree of solar access protection needed to produce maximum amount of solar energy.*

The State Building Code is the main regulatory document that governs building materials. It specifies that municipalities cannot impose more restrictive standards on the use of particular building materials than the State Building Code (including the Energy Code). This limits the extent to which the City's Zoning Code can regulate the use of particular building materials.

With regard to potential missed opportunities for passive solar residential house design and the 15% minimum window/door area requirement for the front of homes, 15% is a reasonable minimum. The need for a requirement that houses have windows facing the street was the top concern highlighted in testimony from the District 2 and District 6 Planning Councils. This can be done while employing a variety of techniques to maximize the effectiveness of passive solar home designs, including appropriately located vegetation, window glazing and awnings.

Staff recommendation. Delete 63.110(b) as recommended in item #2 above, and amend §63.110 as follows (proposed new amendments in bold and underlined):

**(be) For principal residential buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls (excluding the area of garage doors) facing a public street or sidewalk. In addition, for new principal residential buildings, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. The area of garage doors shall be excluded in the minimum window/door and total area calculations of exterior walls. Windows can be composed of clear, translucent, or opaque glass.**

#### 4. Building facade and front door orientation, residential and commercial buildings

- (ab) Primary building entrances on all new buildings principal structures shall face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Primary entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Sides of buildings facing an abutting public street should use the same building materials and other architectural treatments as principal facades.
- (c) In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the public sidewalk) the following standards for new construction principal structures shall apply:
- (1) Buildings Front setbacks shall relate to adjacent buildings and be as close to the sidewalk as practical no more than fifteen (15) feet.
  - (2) At intersections, buildings shall "hold the corner," that is, have street facades at or near the sidewalks of both streets.
  - (3) The primary entrance shall face the primary abutting public street and Buildings shall have a direct pedestrian connection to the street.
  - (4) No blank Walls shall be permitted to face the fronting on a public street, sidewalks, or other public spaces such as a plazas. (5) Buildings shall have window and door openings, facing the street; Windows facing parking lots are also encouraged

Testimony. Peter Carlsen suggests that the preposition in the first sentence of §63.110(a) be modified from "on" to "into" or "of". He testified that §63.110(a) should allow a side entrance to be the primary entrance, as well as allow multifamily dwellings and condominium conversions to have doors not facing the street.

Carlsen also notes that many buildings in pedestrian-oriented commercial districts have entrances that face the parking, often on the side and rear of a building. He finds this reality inconsistent with requirement for buildings to "hold the corner" in §63.110(c), and submitted a "demonstration" of this (Figure 3 below). In it, a traditional commercial building located in a pedestrian-oriented district on Selby Avenue has two entrances that face the side lot line and the adjacent surface parking lot.

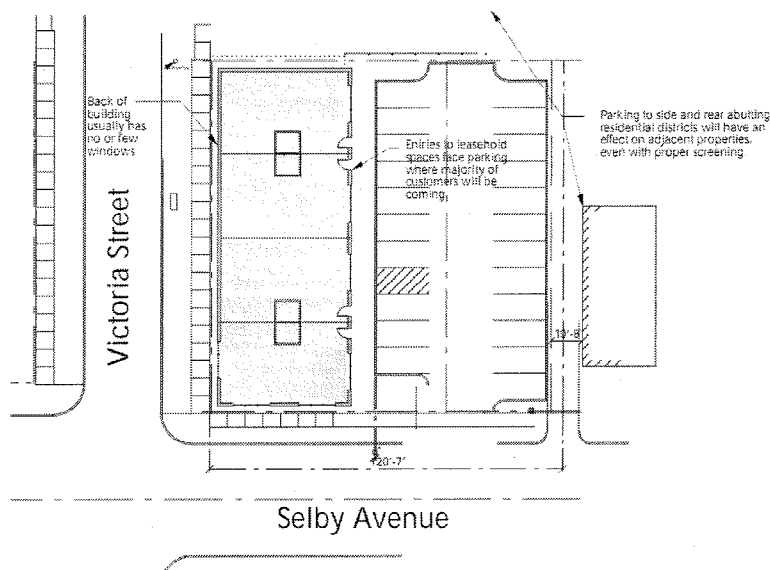


Figure 3. Demonstration plan submitted by Peter Carlsen

Renee Lepreau notes that §63.110(a) and (e), the sections on primary facades and window requirements, could “present difficulties to ... builders [who may] want to maximize the solar potential of their lot,” conflicting with the existing street layout. She goes on to note that just because a homebuilder may want to minimize heat loss by providing fewer windows on the north side of a house that also faces a public street, this doesn't mean that there has to be a blank wall to the street. She says that there are still plenty of ways to capitalize on passive solar opportunities “while still presenting an attractive and interesting facade to the public.”

The Tri-Area Block Club notes that §63.110(a) still allows for “sideways” houses, and states that the requirement for house orientation should be similar to the commercial requirement, as per §63.110(c)(3). §63.110(c)(3) states that the primary entrance [for principal structures in pedestrian-oriented commercial districts] shall face the primary abutting public street.

Staff comment. Peter Carlsen’s suggested minor edit of the first sentence of §63.110(a) makes sense. His statement that the side/rear entries of commercial buildings facing parking lots in pedestrian-oriented districts are functionally more important today than street-oriented entries does not lessen the importance of providing the latter. In pedestrian-oriented commercial districts, it is still important for buildings to provide a clear path for a pedestrian to enter a building from the street to promote walkability, as well as for those at intersections to provide an entrance that “holds the corner.” To minimize confusion, the standard for this should be revised to be more clear, objective, and measurable.

The Tri-Area Block Club’s suggestion that “the front entry of a house should be oriented toward the primary street” does not take into account the many fine existing traditional homes that have side-oriented entrances that are clearly visible and connected to the public street and sidewalk (see Figures 4 below).



Figures 4. Existing traditional houses in Saint Paul with entries that face the side lot line

Staff recommendation.

Remove §63.110(c)(3-5), which are redundant, covered in §63.110(a) and by more specific, measurable, new standards in (b). Amend §63.110(a) and (c) as follows:

- (ab) *Primary building entrances on **of all new buildings principal structures** shall face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Primary entries shall be clearly visible and identifiable from the **primary abutting** street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Sides of buildings facing an abutting public street should use the same building materials and other architectural treatments as principal facades.*

(c) In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the public sidewalk), ~~the following standards for new construction principal structures shall apply:~~ **have a maximum setback of fifteen (15) feet from a street lot line.**

~~(1) Buildings Front setbacks shall relate to adjacent buildings and be as close to the sidewalk as practical no more than fifteen (15) feet.~~

~~(2) At intersections, buildings **they** shall "hold the corner," that is, have street facades **within fifteen (15) feet of the lot line along** at or near the sidewalks of both streets.~~

~~(3) The primary entrance shall face the primary abutting public street and Buildings shall have a direct pedestrian connection to the street.~~

~~(4) No blank walls shall be permitted to face the fronting on a public street, sidewalks, or other public spaces such as a plazas.~~

~~(5) Buildings shall have window and door openings, facing the street; Windows facing parking lots are also encouraged~~

## 5. Residential uses at the street level and relationship to the street

Sec. 63.110. General design standards.

(d) Residential uses at street level shall generally be set back far enough from the street to provide a private yard area between the public sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.

Testimony. Peter Carlsen notes that this would seem to prohibit some recent CBD townhouses, and asks if this isn't better controlled with the setback requirements in the various zoning districts.

Staff comment. This is better controlled through the existing clear, objective, measurable standards for setbacks in individual zoning districts, which make this redundant. An ambiguous and subjective standard like this adds confusion as to what the standards are.

Staff recommendation. Remove §63.110(d).

## 6. Screening of rooftop and mechanical equipment

(e) All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of one and one-half (1 ½) times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.

Testimony. Merri Fromm suggests that all equipment should be screened, not just rooftop mechanical equipment, and that the locations of A/C condensers should be limited to "areas that minimize impact to neighbors."

Peter Carlsen critiques the placement of rooftop equipment screening regulation in §63.110, suggesting that it is more appropriately located in §63.114 Visual screens. He also points out that simply painting small rooftop units can be less visually intrusive than providing a screen around them.

Kevin Flynn agrees that rooftop equipment should be screened wherever possible, but is concerned that solar panels will be considered rooftop equipment. Related to this, he says that building parapets will likely "limit the size of the solar installation and/or produce shadows across the panels thereby rendering them useless," which he notes as inconsistent with the City's sustainability initiatives.

Staff comment. Section 63.106 of the Zoning Code already has provisions that allow for location of

HVAC units and other mechanical equipment as projections into required side and rear yards, and in non-required front yards. If not allowed in side and rear yards, there are few other places where mechanical equipment can be located.

Language pertaining to the location, screening and design of rooftop equipment does not fit in §63.114, Visual screens, which provides standards for fences, earth berms, and plant materials that go on the ground "whenever a visual screen is required by this code."

There are options for minimizing the visual impact of rooftop equipment that in some cases may be better than visual screens. §63.110(e) should be revised to provide flexibility for other options and avoid unreasonably restricting solar panels.

Staff recommendation. Amend §63.110(e) as follows:

- (e) *All **Rooftop heating and cooling** equipment shall be **set back**, screened, **or integrated into the roof design to reduce its visibility** from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of one and one-half (1 ½) times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.*

## **7. Location and provision of transit stops**

- (g) *If transit facilities are needed to serve existing or proposed development, provisions shall be made, where practical, for location of a bus stop or sheltered transit waiting area in a convenient and visible location.*

Testimony. Peter Carlsen wonders about the point of this provision, given that public transit is accommodated in public right-of-way, planned for and operated by Metro Transit. He wonders if the City is now saying it is the responsibility and obligation of private property owners to facilitate and construct public transit infrastructure.

Staff recommendation. Delete §63.110(g).

## **8. Parking & paving requirements**

Sec. 63.110. General design standards.

- (f) For residential parking, the following standards shall apply:

- (1) Off-street parking spaces shall not be located within a front yard or non-interior side yard. Except in the rear yard, garages that face and front on a public street shall be set back from abutting public streets at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure) and garage doors shall not exceed sixty (60) percent of the width of the principal structure. Attached garages shall be set back at least five (5) feet behind the principal front facade of the building unless topographic conditions or lot configuration make this impractical. Except in the rear yard, garage doors facing a public street shall be no more than nine (9) feet in height.
- (2) For one-family through four-family and townhouse dwellings, access to off-street parking shall be from an abutting improved alley when available. On corner lots, access to parking in the rear yard may be from the side street. Detached garages shall be located consistent with the prevailing pattern on the block or within the neighborhood, unless physical conditions make this impractical.
- (3) For one-family through four-family dwellings, and for townhouses with garage doors that face and front on a public street, driveways in front yards shall be no more than twelve (12) feet in

width. A driveway apron up to four (4) feet wider than the garage door may extend up to thirty (30) feet from the garage before reducing to a width of twelve (12) feet.

(gh) The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.

**Sec. 63.316. Paving.**

All parking spaces, driveways and off-street parking facilities shall be paved with asphalt or other durable, dustless surfacing, or of material comparable to the adjacent street surfacing, in accordance with other specifications of the zoning administrator. The parking area shall be paved within one (1) year of the date of the permit except as provided in section 61.402(e). The total amount of surface parking for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area.

**Testimony.** Peter Carlsen suggests that the language in §63.110(f) be moved to §63.304. *Parking location, residential*, so that all requirements related to residential parking are in one logical place. Similarly, he notes that §63.110(g) is covered in §63.310. Entrances and exits.

Peter Carlsen questions if the amendments to §63.316 that limit the total amount of surface parking for one- and two-family dwellings to 15 percent of the lot area will allow enough space for required parking spaces and driveways. He wonders if the 15% maximum applies to both parking spaces and driveways. If so, he doubts that it will be possible to achieve this on lots with a driveway, no alley, and a parking pad in the backyard. See Figure 5.

**Staff comment.** While §63.304 specifies permitted locations of residential parking, most of the language in §63.110(f)(1) deals with setbacks of residential parking, including garages and surface parking areas. However, given that residential garages and parking are accessory buildings and uses, it makes most sense to move the portions of §63.110(f)(1) that address the setbacks of residential parking to §63.501, Accessory buildings (and uses). The remaining portions of §63.110(f)(1) that include standards for garage door widths and heights should remain in §63.110.

It makes sense to move language in §63.110(g) pertaining to curb cuts to §63.310, Entrances and exits, and to move §63.110(f)(2) pertaining to alley access to §63.310(e), which deals with alley access from residential property. It makes sense to move §63.110(f)(3) pertaining to the width of driveway pavement to §63.316. Paving.

Section 63.316 could be clarified by adding the word "spaces" to clarify its intent that the 15 percent limit on the amount of lot area devoted to surface parking applies to the spaces themselves, not to driveways.

**Staff recommendation.**

Move a portion of §63.110(f)(1) language to §63.501, as follows:

**Sec. 63.501. Accessory buildings and uses.**

(b) *Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking in RL-RM2 residential districts: off-street parking spaces shall not be located within a front yard or non-interior side yard; except in the rear yard, garage doors that face and front on a public street shall be no more than nine (9) feet in height and shall be set back from the street at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure). Passenger vehicles may be parked in front yards provided they are located on an approved driveway that leads to a legal parking space.*

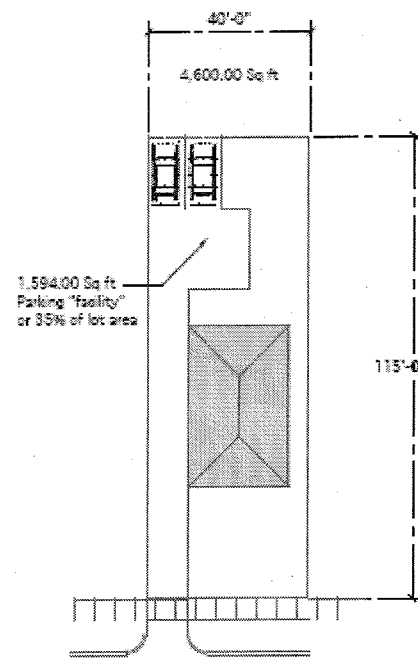


Figure 5. Demonstration site plan of lot with no alley (P. Carlsen)



Move language in §63.110(g) and §63.110(f)(2) to §63.310, Entrances and exits, as follows:

*Sec. 63.310. Entrances and exits.*

Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives. **The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.**

- (e) Alley access from residential property. Entrances and exits to and from all off-street parking facilities located on land zoned for residential use shall be permitted access to an alley except where it is determined in the review of a site plan application that permitting alley access may be harmful to the public peace, health and safety.

**For one-family through four-family and townhouse dwellings, access to off-street parking shall be from an abutting improved alley when available, except where it is determined in the review of a site plan application that there are circumstances unique to the property that make this impractical, unreasonable, or harmful to the public safety. On corner lots, access to parking in the rear yard may be from the side street.**

Move language from §63.110(f)(3) to §63.316, clarify what "durable, dustless surfacing" means, and provide for a smaller amount of pavement for driveways for 1- and 2-family dwellings as follows:

*§63.316. Paving.*

All parking spaces, driveways and off-street parking facilities shall be paved with asphalt, **concrete, brick, concrete or stone pavers,** ~~other durable, dustless surfacing or of material comparable to the adjacent street surfacing, in accordance with other specifications of the zoning administrator.~~ ~~The parking area shall be paved within one (1) year of the date of the permit except as provided in section 61.402(e).~~ **For one-family and two-family dwellings, driveway pavement may be limited to the wheel tracks (at least two (2) feet wide).**

**For one-family through four-family dwellings, and for townhouses with garage doors that face and front on a public street, driveways in front yards shall be no more than twelve (12) feet in width. A driveway apron up to four (4) feet wider than the garage door may extend up to thirty (30) feet from the garage before reducing to a width of twelve (12) feet. The total amount of paving for surface parking spaces for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area or one thousand (1000) square feet, whichever is less.**

Leave the following language in §63.110 as a separate standard:

~~(f) For residential parking, the following standards shall apply:~~

- (d) Garage doors shall not exceed sixty (60) percent of the width of the principal structure. Except in the rear yard, garage doors facing a public street shall be no more than nine (9) feet in height.**



## St. Paul City-wide Design Standards

7/13/09 draft amendments [with notes responding to PC public hearing comments]

### Sec. 61.401. Site plan review generally.

A site plan shall be submitted to and approved by the zoning administrator before All applications for building permits are issued for all new buildings or building expansions. Building permit applications for new buildings or building expansions shall be accompanied by a site plan, and building elevations drawn to scale and specifications, showing the following:

- (3) The existing and intended use of the zoning lot and of all such structures upon it, including, in for residential uses areas, the number of dwelling units the building is intended to accommodate.

### Sec. 61.402. Site plan review by the planning commission (all districts).

### Sec. 63.110. General Building design standards.

[Change to "Building" to better reflects that this section is about the design of buildings. Standards pertaining to other things, such as alley access and location of parking, are better located in sections on those topics so that regulations on a particular topic are not in two separate places; this draft moves them to those sections for simplicity of organization.]

~~The following design standards shall be used in site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable. For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.~~

[There was a lot of interest in getting away from subjective administrative decisions; having clear, concise, reasonable, objective, easy to understand and administer requirements instead; and then using the regular variance process as appropriate. The exception for HPC review is moved to subsection (f).]

- ~~(a) New development shall relate to the design of adjacent traditional buildings, where these are present, in scale and character. This can be achieved by maintaining similar setbacks, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.~~

[This paragraph generated the most criticism in public testimony. Almost all of the individuals and groups testifying objected to the ambiguity and subjectivity of this paragraph. It was characterized as "worse than useless," an "I know it when I see it" standard that will result in unpredictable, arbitrary, "because I say so" enforcement. What do the words "traditional" and "relate to" mean? Who decides? These seem to be issues of style rather than of quality and performance in design. We should steer clear of fruitless aesthetic debates. This could often be a cumbersome, costly, time-consuming and adversarial standard to interpret and enforce. Rather than this, our standards need to be clear, concise, objective, measurable, and easy to understand and administer so that nothing is open to interpretation and they aren't interpreted differently from one case to another.

There are already clear, objective, measurable standards in the Zoning Code for building scale and setbacks in individual zoning districts. An ambiguous and subjective standard like this would add confusion as to what the standards are.

There was also concern about the potential impact of this (and other) proposed design standards on sustainability and "green" design. Creativity and innovation in design needs to be OK. We need to avoid standards that could reduce ability to properly orient buildings for passive and active solar design, lead to increased building footprints and less permeable surface, or take away opportunities to make houses more energy efficient and environmentally responsible.]

- (ab) Primary building entrances on all new buildings of principal structures shall face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible [covered in 3<sup>rd</sup> sentence] walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Primary entries shall be clearly visible and identifiable from the primary abutting street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Sides of buildings facing an abutting public street should use the same building materials and other architectural treatments as principal facades.
- (b) For principal buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street. In addition, for new principal residential buildings, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. The area of garage doors shall be excluded in the window/door and total area calculations of exterior walls. Windows can be clear, translucent, or opaque glass.
- (c) In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the public sidewalk), the following standards for new construction principal structures shall apply: (1) Buildings shall be as close to the sidewalk as practical have a maximum setback of fifteen (15) feet from a street lot line. (2) At intersections, buildings they shall "hold the corner," that is, have street facades at or near the sidewalks of within fifteen (15) feet of the lot line along both streets.

[Change to make the standard more objective and measurable.]

~~(3) Buildings shall have a direct pedestrian connection to the street.~~

[Redundant – covered in (a) above.]

~~(4) No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas.~~

[Covered by more specific, objective, measurable, new standard in (b) above.]

~~(5) Buildings shall have window and door openings facing the street; windows facing parking lots are also encouraged.~~

[Covered by more specific new standard in (b) above.]

- ~~(d) Residential uses at street level shall generally be set back far enough from the street to provide a private yard area between the sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.~~

[This is better controlled through the existing clear, objective, measurable standards for setbacks in individual zoning districts, which make this redundant. An ambiguous and subjective standard like this adds confusion as to what the standards are. This would seem to prohibit some recent CBD townhouses.]

- (d) Garage doors shall not exceed sixty (60) percent of the width of a principal residential structure. Except in the rear yard, residential garage doors facing a public street shall be no more than nine (9) feet in height.

- (e) All Rooftop heating and cooling equipment shall be set back, screened, or integrated into the roof design to reduce its visibility from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be

~~grouped within a single enclosure. This structure shall be set back a distance of one and one half (1½) times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.~~

[Allows for options that may be best in some cases.]

(f) For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

~~(f) Attached garages shall be set back at least five (5) feet behind the principal front facade of the building unless topographic conditions or lot configuration make this impractical. Detached garages shall be located consistent with the prevailing pattern on the block or within the neighborhood, unless physical conditions make this impractical.~~

[Moved to § 63.501, Accessory buildings and uses, where this topic is a better fit.]

~~(g) If transit facilities are needed to serve existing or proposed development, provisions shall be made, where practical, for location of a bus stop or sheltered transit waiting area in a convenient and visible location.~~

[Public transit is planned for and operated by Metro Transit and accommodated in public right-of-way. It is not the responsibility or obligation of private property owners to facilitate or construct bus stops or sheltered transit waiting areas. Therefore, this provision is unnecessary and does not belong in this section on building design standards.]

~~(h) The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.~~

[Moved to § 63.310, Entrances and exits, in Article III, OFF-STREET PARKING FACILITY STANDARDS AND DESIGN, below, a more logical location for this standard.]

### **Sec. 63.310. Entrances and exits.**

Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives. The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged. [Moved here from § 63.110 because this is a more logical location for this standard that pertains to entrances and exits to and from parking lots.]

(e) Alley access from residential property. Entrances and exits to and from all off-street parking facilities located on land zoned for residential use shall be permitted access to an alley except where it is determined in the review of a site plan application that permitting alley access may be harmful to the public peace, health and safety.

For one-family through four-family and townhouse dwellings, access to off-street parking shall be from an abutting improved alley when available, except where it is determined in the review of a site plan application that there are circumstances unique to the property that make this impractical, unreasonable, or harmful to the public safety. On corner lots, access to parking in the rear yard may be from the side street.

[Moved here from § 63.110(f) because this is a more logical location for this standard that pertains to alley access for residential off-street parking, so that regulations pertaining to this topic are in the same place.]

Uses prohibited alley access elsewhere in the zoning code shall not be permitted alley access by the provisions of this section.

(f) Alley access from nonresidential property.

### **Sec. 63.316. Paving.**

All parking spaces, driveways and off-street parking facilities shall be paved with asphalt, concrete, brick, concrete or stone pavers, other durable, dustless surfacing or of material comparable to the adjacent street surfacing, in accordance with ~~other~~ specifications of the zoning administrator. ~~The parking area shall be paved within one (1) year of the date of the permit except as provided in section 61.402(e).~~ For one-family and two-family dwellings, driveway pavement may be limited to the wheel tracks (at least two (2) feet wide).

For one-family through four-family dwellings, and for townhouses with garage doors that face and front on a public street, driveways in front yards shall be no more than twelve (12) feet in width, except that a driveway may be up to four (4) feet wider than the garage door within 30 feet of the garage door. The total amount of paving for surface parking spaces for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area or one thousand (1000) square feet, whichever is less.

[The provision pertaining to the width of driveways in front yards moved here from § 63.110 because this section, part of ARTICLE III, OFF-STREET PARKING FACILITY STANDARDS AND DESIGN, is a more logical location for this provision. The word "spaces" added to the second sentence to clarify its intent to apply just to the spaces themselves. As pointed out in testimony, 15% of an urban residential lot is not close to area needed for a driveway from the street plus a parking pad in the back yard.

The first paragraph of this section is changed to clarify what "durable, dustless surfacing" means, and to provide for limiting driveway paving to the wheel tracks (for 1- and 2-family dwellings).]

### **Sec. 63.501. Accessory buildings and uses.**

- (b) Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking in RL-RM2 residential districts: off-street parking spaces shall not be located within a front yard or non-interior side yard; except in the rear yard, garage doors that face and front on a public street shall be no more than nine (9) feet in height and shall be set back from the street at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure). Passenger vehicles may be parked in front yards provided they are located on an approved driveway that leads to a legal parking space.

[This is a more logical location than § 63.110 for this provision.]

## St. Paul City-wide Design Standards

### 7/13/09 draft amendments

#### Sec. 61.401. Site plan review generally.

A site plan shall be submitted to and approved by the zoning administrator before All applications for building permits are issued for all new buildings or building expansions. Building permit applications for new buildings or building expansions shall be accompanied by a site plan, and building elevations drawn to scale and specifications, showing the following:

- (3) The existing and intended use of the zoning lot and of all such structures upon it, including, ~~in~~ for residential uses areas, the number of dwelling units the building is intended to accommodate.

#### Sec. 61.402. Site plan review by the planning commission ~~(all districts)~~.

#### Sec. 63.110. General Building design standards.

~~The following design standards shall be used in site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable. For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.~~

- ~~(a) New development shall relate to the design of adjacent traditional buildings, where these are present, in scale and character. This can be achieved by maintaining similar setbacks, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.~~
- ~~(ab) Primary building entrances on all new buildings of principal structures shall face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Primary entries shall be clearly visible and identifiable from the primary abutting street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Sides of buildings facing an abutting public street should use the same building materials and other architectural treatments as principal facades.~~
- ~~(b) For principal buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street. In addition, for new principal residential buildings, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. The area of garage doors shall be excluded in the window/door and total area calculations of exterior walls. Windows can be clear, translucent, or opaque glass.~~
- ~~(c) In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the public sidewalk), the following standards for new construction principal structures shall apply: (1) Buildings shall be as close to the sidewalk as practical have a maximum setback of fifteen (15) feet from a street lot line. (2) At intersections, buildings they shall "hold the corner," that is, have street facades at or near the sidewalks of within fifteen (15) feet of the lot line along both streets.~~

- ~~(3) Buildings shall have a direct pedestrian connection to the street.~~
- ~~(4) No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas.~~
- ~~(5) Buildings shall have window and door openings facing the street; windows facing parking lots are also encouraged.~~
- ~~(d) Residential uses at street level shall generally be set back far enough from the street to provide a private yard area between the sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.~~
- (d) Garage doors shall not exceed sixty (60) percent of the width of a principal residential structure. Except in the rear yard, residential garage doors facing a public street shall be no more than nine (9) feet in height.
- (e) All Rooftop heating and cooling equipment shall be set back, screened, or integrated into the roof design to reduce its visibility from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of one and one-half (1½) times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
- (f) For property with local historic site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.
- ~~(f) Attached garages shall be set back at least five (5) feet behind the principal front facade of the building unless topographic conditions or lot configuration make this impractical. Detached garages shall be located consistent with the prevailing pattern on the block or within the neighborhood, unless physical conditions make this impractical.~~
- ~~(g) If transit facilities are needed to serve existing or proposed development, provisions shall be made, where practical, for location of a bus stop or sheltered transit waiting area in a convenient and visible location.~~
- ~~(h) The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.~~

### **Sec. 63.310. Entrances and exits.**

Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives. The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.

- (e) *Alley access from residential property.* Entrances and exits to and from all off-street parking facilities located on land zoned for residential use shall be permitted access to an alley except where it is determined in the review of a site plan application that permitting alley access may be harmful to the public peace, health and safety.

For one-family through four-family and townhouse dwellings, access to off-street parking

shall be from an abutting improved alley when available, except where it is determined in the review of a site plan application that there are circumstances unique to the property that make this impractical, unreasonable, or harmful to the public safety. On corner lots, access to parking in the rear yard may be from the side street.

Uses prohibited alley access elsewhere in the zoning code shall not be permitted alley access by the provisions of this section.

- (f) Alley access from nonresidential property.

#### **Sec. 63.316. Paving.**

All parking spaces, driveways and off-street parking facilities shall be paved with asphalt, concrete, brick, concrete or stone pavers, ~~other durable, dustless surfacing~~ or of material comparable to the adjacent street surfacing, in accordance with ~~other~~ specifications of the zoning administrator. ~~The parking area shall be paved~~ within one (1) year of the date of the permit except as provided in section 61.402(e). For one-family and two-family dwellings, driveway pavement may be limited to the wheel tracks (at least two (2) feet wide).

For one-family through four-family dwellings, and for townhouses with garage doors that face and front on a public street, driveways in front yards shall be no more than twelve (12) feet in width, except that a driveway may be up to four (4) feet wider than the garage door within 30 feet of the garage door. The total amount of paving for surface parking spaces for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area or one thousand (1000) square feet, whichever is less.

#### **Sec. 63.501. Accessory buildings and uses.**

- (b) Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking in RL-RM2 residential districts: off-street parking spaces shall not be located within a front yard or non-interior side yard; except in the rear yard, garage doors that face and front on a public street shall be no more than nine (9) feet in height and shall be set back from the street at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure). Passenger vehicles may be parked in front yards provided they are located on an approved driveway that leads to a legal parking space.